

Notice of Allowability

Application No.

09/919,650

Examiner

Dennis G. Bonshock

Applicant(s)

GUTBERLET ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 2-8-2006 and the proposed amendment submitted 4-28-2006.
2. ☒ The allowed claim(s) is/are 1-7,9-13,15,16,18,19,21-30 and 42-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Kyle B. Rinehart, on April 28, 2006.
3. The application has been amended as follows:
-see attached sheets

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The examiner considered the Applicant's Amendment filed on 2-08-2006, and after updated search, no other prior art of record has taught that which was presented in the amended claims.
3. Therefore, amended claims 1-7, 9-13, 15, 16, 18, 19, 21-30, and 42-71 which placed the previously objected subject matter of claims 3-5, 8, and 49 into the previously rejected claims 1, 13, 27, 51, 61, and 69, are allowable, along with the corresponding dependents.
4. Independent claims 1, 13, 27, 51, 61, and 69, when considered as a whole, are allowable over the prior art of record. Marmel teaches, on pages 8, 50, and 51, presenting a schedule, including one or more sub elements, in the form of a Gantt chart

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where the chart can display only the top level structure, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, it is further noted on page 264, that dates are shown in Gantt bars. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5), here Elliott teaches a Gantt chart comprising a loop structure where control step timing within the first loop is relative to the first loop schedule (this can be seen in the diagram where the user has traced through the architecture selecting a view by loop display).

However, specifically the prior art of record fails to clearly teach or support the limitation of the Gantt chart having an embedded loop structure that has its own set of control step timing independent from the overall timing of the Gantt chart.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571)


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272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4-28-06
dgb


RAYMOND J. BAYERL
PRIMARY EXAMINER
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